

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

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**SEVENTY-FIRST LEGISLATIVE DAY  
MONDAY, MARCH 17, 2008**

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senator Gannon, absent and formally excused by the Chair; President Pro Tempore Geddes; and Senators Burkett, Cameron, Coiner, Darrington, McKenzie, Pearce, Stegner, Stennett, and Werk, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Patricia Gorla, Page.

The Senate advanced to the Third Order of Business.

### **Reading and Correction of the Journal**

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 14, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Burkett, Cameron, McKenzie, and Stennett were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### **Petitions, Resolutions, and Memorials**

President Pro Tempore Geddes and Senators Coiner, Darrington, Stegner, and Werk were recorded present at this order of business.

### **SCR 138**

#### **BY STATE AFFAIRS COMMITTEE A CONCURRENT RESOLUTION**

STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH EXCEPTIONS, AND REJECTING CERTAIN AGENCY RULE DOCKETS THAT ARE NOT APPROVED.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Bureau of Occupational Licenses relating to Rules of the Board of Naturopathic Medical Examiners are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Department of Insurance relating to Schedule of Fees, Licenses and Miscellaneous Charges are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Department of Lands, relating to Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Department of Water Resources relating to Adjudication Rules are not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all pending administrative rules or portions of pending administrative rules adopted by state agencies pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of Rules Coordinator to the Legislature for review during the 2008 legislative session, which impose a fee or charge, be, and the same are approved, with the exception of the following enumerated pending fee rules:

IDAPA 24.24.01, Rules of the Bureau of Occupational Licenses, Rules of the Board of Naturopathic Medical Examiners, adopted as pending fee rules under Docket Number 24-2401-0701 (New Chapter), the entire rulemaking docket;

IDAPA 18.01.44, Rules of the Department of Insurance, Schedule of Fees, Licenses and Miscellaneous Charges, adopted as pending fee rules under Docket Number 18-0144-0701, the entire rulemaking docket;

IDAPA 20.03.04, Rules of the Department of Lands, Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho, adopted as pending fee rules under Docket Number 20-0304-0701; and

IDAPA 37.03.01, Department of Water Resources, Adjudication Rules, adopted as pending fee rules under Docket Number 37-0301-0701, the entire rulemaking docket.

BE IT FURTHER RESOLVED that IDAPA 24.24.01, Rules of the Bureau of Occupational Licenses, Rules of the Board of Naturopathic Medical Examiners, adopted as pending fee rules under Docket Number 24-2401-0701 (New Chapter), the entire

rulemaking docket; IDAPA 18.01.44, Rules of the Department of Insurance, Schedule of Fees, Licenses and Miscellaneous Charges, adopted as pending fee rules under Docket Number 18-0144-0701, the entire rulemaking docket; IDAPA 20.03.04, Rules of the Department of Lands, Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho, adopted as pending fee rules under Docket Number 20-0304-0701; and IDAPA 37.03.01, Department of Water Resources, Adjudication Rules, adopted as pending fee rules under Docket Number 37-0301-0701, the entire rulemaking docket are declared null, void and of no force and effect.

BE IT FURTHER RESOLVED that rule provisions imposing fees or charges that were not submitted through the Office of Rules Coordinator for legislative review or that otherwise are not included and approved in this concurrent resolution shall be null, void and of no force and effect unless approved by adoption of a separate concurrent resolution by both houses of the Legislature as provided in Section 67-5224, Idaho Code.

**SCR 139**  
**BY STATE AFFAIRS COMMITTEE**  
**A CONCURRENT RESOLUTION**

STATING LEGISLATIVE FINDINGS AND APPROVING AND  
EXTENDING TEMPORARY RULES REVIEWED BY THE  
LEGISLATURE, WITH EXCEPTIONS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature by statute must approve temporary rules by adoption of a concurrent resolution approving the rule if the temporary rule is to remain in effect beyond the end of the current legislative session; and

WHEREAS, the expiration of temporary rules would occasion additional expense to state agencies in readopting and republishing temporary rules needed to conduct state business; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all temporary rules adopted by state agencies pursuant to the Administrative Procedure Act and submitted to the Legislature at the Legislature's request through the Office of Rules Coordinator for review during the 2008 legislative session, and all temporary rules previously approved and extended by concurrent resolution adopted in a prior regular session of the Idaho Legislature, be, and the same are approved, with the exception of the following enumerated temporary rule:

IDAPA 07.03.01, Rules of the Division of Building Safety, the entire rulemaking docket, adopted as a temporary rule under Docket Number 07-0301-0701.

BE IT FURTHER RESOLVED that a temporary rule or partial temporary rule approved by this concurrent resolution shall remain in effect until it expires by its own terms or by operation of law or until it is replaced by a final rule, but in no event shall a temporary rule remain in effect beyond the conclusion of the First Regular Session of the Sixtieth Idaho Legislature unless it is further extended by adoption of a concurrent resolution by both houses of the Legislature. Temporary rules or sections of temporary rules which are excepted from approval hereunder or

which were not submitted to the Legislature for review during the 2008 legislative session shall expire by operation of statute upon adjournment of the Second Regular Session of the Fifty-ninth Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

**SCR 138** and **SCR 139** were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

Senator Pearce was recorded present at this order of business.

March 14, 2008

The JUDICIARY AND RULES Committee reports that **S 1335, S 1340, S 1341, S 1363, S 1377, S 1405, S 1407, S 1431**, as amended, **S 1440, S 1442, S 1466**, and **SCR 130** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1335, S 1340, S 1341, S 1363, S 1377, S 1405, S 1407, S 1431**, as amended, **S 1440, S 1442, S 1466**, and **SCR 130**, and ordered them transmitted to the House for the signature of the Speaker.

March 14, 2008

The JUDICIARY AND RULES Committee reports that Enrolled **S 1251, S 1253, S 1257, S 1344**, as amended, **S 1350, S 1387, S 1388, S 1390, S 1403**, as amended, **S 1410, S 1428, S 1429, S 1456, S 1457, S 1458**, and **S 1459** were delivered to the Office of the Governor at 2:45 p.m., on March 14, 2008.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 14, 2008

The FINANCE Committee reports out **H 621, H 622, H 625, H 626, H 628**, and **H 629** with the recommendation that they do pass.

CAMERON, Chairman

**H 621, H 622, H 625, H 626, H 628**, and **H 629** were filed for second reading.

March 14, 2008

The STATE AFFAIRS Committee reports out **H 556** and **H 592** with the recommendation that they be referred to the Commerce and Human Resources Committee.

McKENZIE, Chairman

There being no objection, **H 556** and **H 592** were referred to the Commerce and Human Resources Committee.

March 14, 2008

The RESOURCES AND ENVIRONMENT Committee reports out **H 586** with the recommendation that it do pass.

SCHROEDER, Chairman

**H 586** was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

March 14, 2008

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

#### **S 1453**

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. 'Butch' Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

March 14, 2008

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1256**, as amended, **S 1269**, **S 1311**,  
**S 1372**, as amended in the House, and **S 1373**

As Always - Idaho, *'Esto Perpetua'*  
/s/ C. L. 'Butch' Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

### Messages from the House

March 14, 2008

Mr. President:

I transmit herewith **H 604**, **H 585**, **H 489**, as amended, **H 380**, as amended, as amended, **H 451**, as amended, **H 591**, as amended, and **HJM 11**, which have passed the House.

ALEXANDER, Chief Clerk

**H 604**, **H 585**, **H 489**, as amended, **H 380**, as amended, as amended, **H 451**, as amended, **H 591**, as amended, and **HJM 11** were filed for first reading.

March 14, 2008

Mr. President:

I return herewith **S 1467**, **S 1468**, **S 1469**, **S 1471**, **S 1473**, **S 1474**, **S 1475**, **S 1476**, and **S 1348**, which have passed the House.

ALEXANDER, Chief Clerk

**S 1467**, **S 1468**, **S 1469**, **S 1471**, **S 1473**, **S 1474**, **S 1475**, **S 1476**, and **S 1348** were referred to the Judiciary and Rules Committee for enrolling.

March 14, 2008

Mr. President:

I transmit herewith Enrolled **HCR 48**, **H 401**, **H 502**, **H 529**, as amended, **H 544**, **H 567**, **H 572**, **H 573**, and **H 574** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **HCR 48**, **H 401**, **H 502**, **H 529**, as amended, **H 544**, **H 567**, **H 572**, **H 573**, and **H 574** and ordered them returned to the House.

March 14, 2008

Mr. President:

I return herewith Enrolled **S 1324**, **S 1252**, as amended, **S 1380**, as amended, **S 1384**, **S 1385**, **S 1397**, as amended, **S 1414**, as amended, **S 1415**, as amended, **S 1419**, **S 1434**, **S 1462**, **S 1463**, **S 1464**, **SCR 129**, **SCR 131**, and **SCR 133**, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **S 1324**, **S 1252**, as amended, **S 1380**, as amended, **S 1384**, **S 1385**, **S 1397**, as amended, **S 1414**, as amended, **S 1415**, as amended, **S 1419**, **S 1434**, **S 1462**, **S 1463**, and **S 1464** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Enrolled **SCR 129**, **SCR 131**, and **SCR 133** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of the State.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

The President announced the Health and Welfare Committee report relative to the Gubernatorial appointments of Craig Harlen, John MacMillan, and Nick Purdy was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Hammond, seconded by Senator Kelly, the Gubernatorial appointment of Craig Harlen as a member of the Board of Environmental Quality was confirmed by voice vote.

On motion by Senator Coiner, seconded by Senator Kelly, the Gubernatorial appointment of John MacMillan as a member of the Board of Environmental Quality was confirmed by voice vote.

On motion by Senator Stennett, seconded by Senator Lodge, the Gubernatorial appointment of Nick Purdy as a member of the Board of Environmental Quality was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the Transportation Committee report relative to the Gubernatorial appointment of Lee Gagner and Robert A. Hoff was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Davis, seconded by Senator McGee, the Gubernatorial appointment of Lee Gagner as a member of the Idaho Transportation Board was confirmed by voice vote.

On motion by Senator Davis, seconded by Senator Langhorst, the Gubernatorial appointment of Robert A. Hoff as a member of the Idaho Aeronautics Advisory Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **HCR 49** was before the Senate for final consideration.

Moved by Senator Cameron, seconded by Senator Andreason, that **HCR 49** be adopted. The question being, "Shall the resolution be adopted?"

Roll call vote was requested by Senators Stennett, Kelly, and Langhorst.

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Siddoway, Stegner. Total - 26.

NAYS--Bilyeu, Burkett, Kelly, Langhorst, Sagness (Malepeai), Schroeder, Stennett, Werk. Total - 8.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **HCR 49** adopted, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

#### S 1505

#### BY FINANCE COMMITTEE

#### AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2009.

#### S 1506

#### BY STATE AFFAIRS COMMITTEE

#### AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-102, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 34-113, IDAHO CODE, TO REVISE A DEFINITION; AMENDING CHAPTER 1, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-118, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 34-308, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE RECEIPT OF PRIMARY BALLOTS; AMENDING SECTION 34-404, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO REGISTRATION OF ELECTORS; AMENDING SECTION 34-406, IDAHO CODE, TO REMOVE A REFERENCE TO MAIL REGISTRATION FORM, TO REVISE A CODE REFERENCE AND TO MAKE TECHNICAL CHANGES; AMENDING SECTION 34-411, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPLICATION FOR REGISTRATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 4, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-411A, IDAHO CODE, TO PROVIDE FOR THE DESIGNATION OR CHANGE OF PARTY AFFILIATION STATUS; AMENDING SECTION 34-501, IDAHO CODE, TO PROVIDE FOR A PARTY CONDUCTED NOMINATION PROCESS, TO PROVIDE FOR POLITICAL PARTY DESIGNATION OF STATE OFFICE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-601, IDAHO CODE, TO PROVIDE FOR BEGINNING AND CONCLUDING DATES FOR PARTY CONDUCTED NOMINATION PROCESS; AMENDING SECTION 34-624, IDAHO CODE, TO REVISE THE ELECTION OF PRECINCT COMMITTEEMEN; AMENDING SECTION 34-627, IDAHO CODE, TO REVISE A NOTIFICATION REQUIREMENT AND TO REVISE THE TIME WHEN A HOLDER OF PARTISAN ELECTIVE OFFICE

CAN CHANGE POLITICAL PARTIES; AMENDING SECTION 34-703, IDAHO CODE, TO REVISE THE NOMINATION PROCESS; AMENDING SECTION 34-704, IDAHO CODE, TO REVISE THE DECLARATION OF CANDIDACY PROCESS; AMENDING SECTION 34-705, IDAHO CODE, TO REVISE WITH WHOM DECLARATIONS ARE FILED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-706, IDAHO CODE, TO REVISE NOTIFICATION TO PARTIES; AMENDING SECTION 34-904, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PRIMARY ELECTION BALLOTS AND TO MAKE TECHNICAL CHANGES; AMENDING CHAPTER 9, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-904A, IDAHO CODE, TO SET FORTH PROVISIONS APPLICABLE TO THE ELIGIBILITY TO VOTE IN PRIMARY ELECTIONS; AMENDING SECTION 34-1002, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPLICATIONS FOR ABSENTEE BALLOTS AND TO MAKE TECHNICAL CHANGES; AMENDING SECTION 34-1003, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE ISSUANCE OF ABSENTEE BALLOTS AND TO MAKE TECHNICAL CHANGES; AMENDING SECTION 34-1208, IDAHO CODE, TO REVISE THE CERTIFICATION OF CANDIDATES; AMENDING SECTION 34-1214, IDAHO CODE, TO PROVIDE FOR CERTIFICATES OF NOMINATION TO CERTAIN OFFICES AFTER THE PARTY CONDUCTED NOMINATION PROCESS; AMENDING SECTION 34-2501, IDAHO CODE, TO REVISE A DEFINITION, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6602, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6607, IDAHO CODE, TO REVISE WHEN REPORTS OF CONTRIBUTIONS AND EXPENDITURES ARE REQUIRED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6608, IDAHO CODE, TO REVISE REPORTING REQUIREMENTS, TO CLARIFY LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6610A, IDAHO CODE, TO REVISE CONDITIONS WHEN LIMITATIONS ON CONTRIBUTIONS APPLY; AMENDING SECTION 67-6610B, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6611, IDAHO CODE, TO REVISE WHEN STATEMENTS OF INDEPENDENT EXPENDITURES ARE TO BE FILED AND TO CLARIFY LANGUAGE; AND PROVIDING AN EFFECTIVE DATE.

#### **S 1507**

#### **BY STATE AFFAIRS COMMITTEE AN ACT**

RELATING TO ELECTIONS; AMENDING SECTION 34-308, IDAHO CODE, TO PROVIDE A CODE REFERENCE AND TO REVISE PROCEDURES FOR CONDUCTING ELECTIONS IN A MAIL BALLOT PRECINCT; AMENDING SECTION 34-904, IDAHO CODE, TO REVISE THE PRIMARY ELECTION BALLOT; AMENDING CHAPTER 9, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-904A, IDAHO CODE, TO PROVIDE FOR APPLICATION, TO PROVIDE FOR PRIMARY ELECTION VOTING PROCEDURE AND TO PROVIDE FOR POLITICAL PARTY CHAIRMAN DUTY; AMENDING SECTION 34-1002, IDAHO CODE, TO PROVIDE PROCEDURES FOR REQUESTING THE BALLOT OF A

POLITICAL PARTY THAT HAS ADOPTED A SPECIFIED RULE; AND AMENDING SECTION 34-1003, IDAHO CODE, TO PROVIDE THAT AN ELECTOR WHO DESIGNATES A SPECIFIC POLITICAL PARTY BALLOT SHALL RECEIVE, IN ADDITION, A NONPARTISAN BALLOT.

#### **S 1508**

#### **BY FINANCE COMMITTEE AN ACT**

RELATING TO APPROPRIATIONS FOR THE DEPARTMENT OF CORRECTION; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR THE PRIVATELY-OPERATED STATE PRISON FOR FISCAL YEAR 2008; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR THE PRIVATELY-OPERATED PRISON FOR FISCAL YEAR 2008; PROVIDING FOR THE TRANSFER OF UNOBLIGATED GENERAL FUNDS TO THE IDAHO STATE BUILDING AUTHORITY FOR FISCAL YEAR 2008; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR THE IDAHO CORRECTIONAL CENTER FOR FISCAL YEAR 2009; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR THE IDAHO CORRECTIONAL CENTER FOR FISCAL YEAR 2009; AND DECLARING AN EMERGENCY FOR SECTIONS 1, 2 AND 3 OF THIS ACT.

**S 1505, S 1506, S 1507, and S 1508** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 604**, by Ways and Means Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 585**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 489**, as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

**H 380**, as amended, as amended, and **H 451**, as amended, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 591**, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

**HJM 11**, by State Affairs Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

#### **Second Reading of Bills**

**H 476** and **H 480**, by Business Committee, were read the second time at length and filed for third reading.

**H 543**, as amended, by Education Committee, was read the second time at length and filed for third reading.

**H 477**, by Business Committee, was read the second time at length and filed for third reading.

**S 1497, S 1498, S 1499, S 1500, S 1501, S 1502, S 1503, and S 1504**, by Finance Committee, were read the second time at length and filed for third reading.

**H 549**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 550**, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

### General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

### Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **S 1404, H 514, S 1447, H 566, and H 491**, without recommendation, amended as follows:

#### SENATE AMENDMENT TO S 1404

##### AMENDMENTS TO THE BILL

On page 1 of the printed bill, delete lines 14 through 42; on page 2, delete lines 1 through 55; on page 3, delete lines 1 through 55; and on page 4, delete lines 1 through 37 and insert:

"SECTION 1. That Section 33-201, Idaho Code, be, and the same is hereby amended to read as follows:

33-201. SCHOOL AGE. The services of the public schools of this state are extended to any acceptable person of school age. "School age" is defined as including all persons resident of the state, between the ages of five (5) and twenty-one (21) years. For the purposes of this section, the age of five (5) years shall be attained when the fifth anniversary of birth occurs on or before the first day of September of the school year in which the child is to enroll in kindergarten. For a child enrolling in the first grade, the age of six (6) years must be reached on or before the first day of September of the school year in which the child is to enroll. Any child of the age of five (5) years who has completed a private kindergarten in this state or another state or a public out-of-state kindergarten for the required four hundred fifty (450) hours but has not reached the "school age" requirement in Idaho shall be allowed to enter the first grade following successful completion of an assessment designed by the state department of education and administered by the school ten (10) working days prior to the start of the school's school year. The assessment designed by the state department of education shall ascertain the child's readiness to enter and be successful in the first grade.

For resident children with disabilities who qualify for special education and related services under the federal individuals with disabilities education act (IDEA) and subsequent amendments

thereto, and applicable state and federal regulations, "school age" shall begin at the attainment of age three (3) years and shall continue through the semester of school in which the student attains the age of twenty-one (21) years."

#### CORRECTIONS TO TITLE

On page 1, in line 2, delete "A DEF-"; and delete lines 3 through 12 and insert: "PROVISIONS RELATING TO SCHOOL AGE FOR PURPOSES OF ENROLLMENT IN THE FIRST GRADE AND TO MAKE TECHNICAL CORRECTIONS."

#### SENATE AMENDMENT TO H 514

##### AMENDMENT TO SECTION 1

On page 3 of the printed bill, in line 32, delete "local governmental entity" and insert: "district".

#### SENATE AMENDMENT TO S 1447

##### AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 20, delete "may include employee representatives" and insert: "may shall include one (1) active and one (1) retired employee representatives"; in line 22, delete "subsection (2)" and insert: "subsections (2) and (3)"; on page 2, in line 32, following "dependents" insert: ", and are jointly rated with the plan or plans provided for in subsection (2) of this section."; in line 45, delete "based on the following:"; in line 55, following "medicare." insert: "The director has the authority to make exceptions to the provisions of this paragraph (b)."; on page 3, delete lines 1 through 13 and insert:

"(c) The Idaho department of administration shall work with select vendors to develop products to meet the specific needs of the medicare eligible retirees and shall assist the retirees in transitioning to these products.

(d) Any person who is eligible for health care service coverage as a retired person prior to June 30, 2008, remains eligible for coverage subject to the conditions of subsection (3)(a) and (b) of this section.

(e) Any active employee who retires from state service on or after July 1, 2008, is eligible for health care service coverage if he or she is drawing a state retirement benefit and that benefit equals or exceeds the retiree medical insurance premium in effect for that retiree at the date of retirement, or is drawing a state retirement benefit and has at least 20,800 hours of credited state service, and who began employment on or before June 30, 2008."; and in line 14 delete "(e)" and insert: "(f)".

#### AMENDMENTS TO BILL

On page 4, following line 6, insert:

"SECTION 4. That Section 67-5333, Idaho Code, be, and the same is hereby amended to read as follows:

67-5333. SICK LEAVE. (1) Sick leave shall be computed as follows:

(a) The rate per hour at which sick leave shall accrue to classified officers and employees earning credited state service shall be at the rate represented by the proportion 96/2080. Sick leave shall accrue without limit, and shall be transferable from department to department.

(b) Sick leave shall not accrue to any officer or employee on any kind of leave of absence without pay, suspension without pay or layoff. Sick leave shall accrue while an officer or employee is on approved leave with pay, on approved vacation leave, on approved military leave with pay, and on approved sick leave, but not when compensatory time or earned administrative leave is taken.

(c) All accrued sick leave shall be forfeited at the time of separation from state service and no officer or employee shall be reimbursed for accrued sick leave at the time of separation, except as provided in subsection (2) of this section. If such officer or employee returns to credited state service within three (3) years of such separation, all sick leave credits accrued at the time of separation shall be reinstated, except to the extent that unused sick leave was utilized for the purposes specified in subsection (2) of this section.

(d) Sick leave shall be taken on a workday basis. Regularly scheduled days off and officially designated holidays falling within a period of sick leave shall not be counted against sick leave. Sick leave shall not be taken in advance of being earned.

(e) In cases where absences for sick leave exceed three (3) consecutive working days, the appointing authority may require verification by a physician or other authorized practitioner.

(f) If an absence for illness or injury extends beyond the sick leave accrued to the credit of the officer or employee, the officer or employee may be granted leave without pay.

(g) The administrator shall prescribe additional requirements for sick leave for classified officers and employees on a part-time or irregular schedule, for maintaining sick leave records, for funeral leave, and such other applicable purposes as necessary.

(2) Unused sick leave may be used as follows:

(a) Upon separation from state employment by retirement in accordance with chapter 13, title 59 or chapter 1, title 33, Idaho Code, an employee's unused sick leave shall be determined based on accumulated sick leave earned subsequent to July 1, 1976, and shall be reported by the employer to the public employee retirement system. Upon separation from state employment by retirement in accordance with chapter 20, title 1, Idaho Code, an employee's unused sick leave shall be determined based on accumulated sick leave earned subsequent to July 1, 2000, and shall be reported by the employer to the public employee retirement system. A sum equal to one-half (½), or the maximum amount allowed by paragraph (b) of this subsection (2), whichever is the lesser, of the monetary value of such unused sick leave, calculated at the rate of pay for such employee at the time of retirement, as determined by the retirement board, shall be transferred from the sick leave account provided by paragraph (c) of this subsection (2) and shall be credited to such employee's retirement account. Such sums shall be used by the Idaho public employee retirement board to pay premiums, as permitted by and subject to applicable federal tax laws and limits, for such ~~group~~ health, dental, vision, long-term care, prescription drug and life insurance programs as may be maintained by the state, to the extent of the funds credited to the employee's account pursuant to this section. Upon an employee's death, any unexpended sums remaining in the account shall revert to the sick leave account.

(b) For the purposes of determining the monetary value of unused sick leave, the maximum unused sick leave which may be considered, shall be:

(i) During the first ten thousand four hundred (10,400) hours of credited state service, the maximum unused sick leave which may be considered shall be four hundred twenty (420) hours;

(ii) During the second ten thousand four hundred (10,400) hours of credited state service, the maximum unused sick leave which may be considered shall be four hundred eighty (480) hours;

(iii) During the third ten thousand four hundred (10,400) hours of credited state service, the maximum unused sick leave which may be considered shall be five hundred forty (540) hours; and

(iv) Thereafter, the maximum unused sick leave which may be considered shall be six hundred (600) hours.

(c) Each employer in state government shall contribute to a sick leave account maintained by the public employee retirement system in trust exclusively for the purpose of the provisions of this section. The retirement board shall serve as trustee of the trust and shall be indemnified to the same extent as provided in section 59-1305, Idaho Code. Assets in the trust shall not be assignable or subject to execution, garnishment or attachment or to the operation of any bankruptcy or insolvency law. The rate of such contribution each pay period shall consist of a percentage of employees' salaries as determined by the board, and such rate shall remain in effect until next determined by the board. Any excess balance in the sick leave account shall be invested, and the earnings therefrom shall accrue to the sick leave account except the amount required by the board to defray administrative expenses. Assets of the trust may be commingled for investment purposes with other assets managed by the retirement board. All moneys payable to the sick leave account are hereby perpetually appropriated to the board, and shall not be included in its departmental budget. The state insurance fund and public health districts shall be considered employers in state government for purposes of participation under this section.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval."

#### CORRECTIONS TO TITLE

On page 1, in line 7, delete "AND"; and in line 9, following "RULES" insert: "; AMENDING SECTION 67-5333, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE USE OF UNUSED SICK LEAVE BY THE IDAHO PUBLIC EMPLOYEE RETIREMENT BOARD TO PAY CERTAIN PREMIUMS; AND DECLARING AN EMERGENCY".

#### SENATE AMENDMENT TO H 566

##### AMENDMENTS TO SECTION 2

On page 4 of the printed bill, in line 4, following "employees" insert: "hired on or after July 1, 2008, and other individuals"; and in line 11, following "~~check~~" insert: "or unsupervised contact with students in a K-12 setting, whichever is sooner".

#### CORRECTION TO TITLE

On page 1, in line 11, delete "ALL" and insert: "CERTAIN".

#### SENATE AMENDMENT TO H 491

##### AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 22, delete "either" and insert: "either"; in line 23, following "transfer" delete ", or" and insert: "or"; in line 25, delete ";" and insert: ";"; and in line 29, delete "act." and insert: "act provided that such real property is not principally used for the agricultural production of crops, livestock, dairy or aquatic goods; or (c) any real property not exceeding forty (40) acres regardless of its use or location.".

The Committee also has S 1329 and H 447, as amended, under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Langhorst, the report was adopted by voice vote.

**S 1404**, as amended, and **S 1447**, as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

**H 514**, as amended in the Senate, **H 566**, as amended in the Senate, and **H 491**, as amended in the Senate, were filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

#### Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:15 p.m. until the hour of 3 p.m. of this day.

#### RECESS AFTERNOON SESSION

The Senate reconvened at 3 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senator Gannon, absent and formally excused by the Chair; and Senators Cameron, Lodge, Schroeder, and Stennett, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

March 17, 2008

The JUDICIARY AND RULES Committee reports that **S 1404**, as amended, and **S 1447**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

**S 1404**, as amended, and **S 1447**, as amended, were filed for first reading.

March 17, 2008

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1404** and **S 1447** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 17, 2008

The STATE AFFAIRS Committee reports out **S 1484** with the recommendation that it do pass.

McKENZIE, Chairman

**S 1484** was filed for second reading.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

#### Messages from the House

March 17, 2008

Mr. President:

I transmit herewith **H 627**, **H 511**, as amended, **H 635**, **H 636**, **H 638**, **H 618**, **H 615**, **H 563**, **H 564**, and **H 594**, which have passed the House.

ALEXANDER, Chief Clerk

**H 627**, **H 511**, as amended, **H 635**, **H 636**, **H 638**, **H 618**, **H 615**, **H 563**, **H 564**, and **H 594** were filed for first reading.

March 17, 2008

Mr. President:

I transmit herewith Enrolled **H 365**, as amended, **H 432**, **H 463**, **H 526**, as amended, and **H 589** for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled **H 365**, as amended, **H 432**, **H 463**, **H 526**, as amended, and **H 589** and ordered them returned to the House.

March 17, 2008

Mr. President:

I transmit herewith **HCR 50**, as amended, and **HCR 57**, which have passed the House.

ALEXANDER, Chief Clerk

**HCR 50**, as amended, and **HCR 57** were filed for first reading.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

#### Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

**S 1404**, as amended, by Education Committee, was read the first time at length and filed for second reading.

**S 1447**, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

**H 627**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

**H 511**, as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.



**H 635** and **H 636**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

**H 638** and **H 618**, by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

**H 615**, **H 563**, **H 564**, and **H 594**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**HCR 50**, as amended, by Ways and Means Committee, was introduced, read at length, and referred to the Transportation Committee.

**HCR 57**, by Education Committee, was introduced, read at length, and referred to the Transportation Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

**H 348**, as amended, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Broadsword, Burkett, Coiner, Goedde, Hammond, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Stegner, Werk. Total - 16.

NAYS--Andreason, Bair, Bastian, Bilyeu, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Heinrich, Hill, Pearce, Richardson, Sagness (Malepeai), Siddoway. Total - 16.

Absent and excused--Gannon, Schroeder, Stennett. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared that, a tie vote having resulted in the roll call, **H 348**, as amended, had failed to pass the Senate and ordered the bill returned to the House.

On request by Senator Davis, granted by unanimous consent, **S 1455** retained its place on the Third Reading Calendar.

Senator Schroeder was recorded present at this order of business.

**S 1487** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher,

Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Werk. Total - 33.

NAYS--None.

Absent and excused--Gannon, Stennett. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1487** passed, title was approved, and the bill ordered transmitted to the House.

**S 1488** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Werk. Total - 33.

NAYS--None.

Absent and excused--Gannon, Stennett. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1488** passed, title was approved, and the bill ordered transmitted to the House.

**S 1489** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Werk. Total - 33.

NAYS--None.

Absent and excused--Gannon, Stennett. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1489** passed, title was approved, and the bill ordered transmitted to the House.

**S 1490** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1490** passed, title was approved, and the bill ordered transmitted to the House.

**S 1491** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1491** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **S 1455**, having been held, was placed before the Senate for consideration at this time.

**S 1455** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly,

Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 32.

NAYS--Richardson, Siddoway. Total - 2.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1455** passed, title was approved, and the bill ordered transmitted to the House.

**S 1492** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1492** passed, title was approved, and the bill ordered transmitted to the House.

**S 1493** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1493** passed, title was approved, and the bill ordered transmitted to the House.

**S 1494** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bastian arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1494** passed, title was approved, and the bill ordered transmitted to the House.

Having voted on the prevailing side by which **H 348**, as amended, failed to pass the Senate, Senator Heinrich served notice that he may on this or the next legislative day move for reconsideration of the vote.

**H 348**, as amended, was ordered held at the Secretary's desk.

Having voted on the prevailing side and proper notice having been served, Senator Hill moved, seconded by Senator Davis, that the vote by which **H 348**, as amended, failed to pass the Senate be now reconsidered. The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Langhorst, Kelly, and Werk.

Roll call resulted as follows:

AYES--Andreason, Broadsword, Burkett, Coiner, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Schroeder, Stegner, Stennett, Werk. Total - 20.

NAYS--Bair, Bastian, Bilyeu, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Hill, Pearce, Richardson, Sagness (Malepeai), Siddoway. Total - 14.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared that the motion to reconsider **H 348**, as amended, did prevail. The question being, "Shall **H 348**, as amended, pass the Senate?"

Roll call resulted as follows:

AYES--Broadsword, Burkett, Coiner, Goedde, Hammond, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Schroeder, Stegner, Stennett, Werk. Total - 18.

NAYS--Andreason, Bair, Bastian, Bilyeu, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Heinrich, Hill, Pearce, Richardson, Sagness (Malepeai), Siddoway. Total - 16.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon, the President Pro Tempore declared **H 348**, as amended, passed, title was approved, and the bill order returned to the House.

**S 1495** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bastian arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1495** passed, title was approved, and the bill ordered transmitted to the House.

**S 1496** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bastian arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1496** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Jorgenson, granted by unanimous consent, **H 548** retained its place on the Third Reading Calendar for one legislative day.

**H 512** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 512** passed, title was approved, and the bill ordered returned to the House.

President Risch assumed the Chair.

**H 561** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner. Total - 27.

NAYS--Burkett, Corder, Kelly, Langhorst, Little, Stennett, Werk. Total - 7.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 561** passed, title was approved, and the bill ordered returned to the House.

**H 562** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Broadsword, Cameron, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich,

Hill, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Siddoway. Total - 23.

NAYS--Bilyeu, Burkett, Coiner, Corder, Kelly, Langhorst, Little, Schroeder, Stegner, Stennett, Werk. Total - 11.

Absent and excused--Gannon. Total - 1.

Paired and voting included in roll call:

AYE - Davis                      NAY - Stennett

Total - 35.

Whereupon the President declared **H 562** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Langhorst, by voice vote the Senate adjourned at 6:10 p.m. until the hour of 9:30 a.m., Tuesday, March 18, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary